

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEVIN JEROME JONES,

Plaintiff,

v.

MR. BOWERS, *et al.*,

Defendants.

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Civil Action No. **3:22-CV-2559-L-BN**

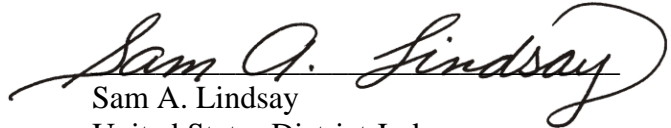
ORDER

On November 30, 2022, the United States Magistrate Judge entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 4) (“Report”), recommending that the court, pursuant to 28 U.S.C. § 1915(g), summarily dismiss without prejudice this action by Plaintiff unless, within the time for filing objections or some other deadline set by the court, he pays the full filing fee of \$402. Instead of paying the filing fee or seeking an extension of time to do so, Plaintiff filed objections to the Report (Doc. 5), which are indecipherable. As best as the court is able to ascertain, Plaintiff argues the merits of his claim(s) and objects to the requirement that he pay the full filing fee.

Having considered the pleadings, Report, file, and record in this case, and having conducted a de novo review of that portion of the Report to which objection was made, the court determines that the magistrate judge’s findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Plaintiff’s objections and, pursuant to 28 U.S.C. § 1915(g), this action is **dismissed without prejudice** as a result of Plaintiff’s failure to pay the full filing fee of \$402.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Plaintiff, however, may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, United States Court of Appeals for the Fifth Circuit, within 30 days of this order.

It is so ordered this 19th day of January, 2023.


Sam A. Lindsay
United States District Judge